

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shadman Khan	Team: Squad #12	CCRB Case #: 202005702	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 08/17/2020 10:30 PM	Location of Incident: 75th Precinct stationhouse	Precinct: 75	18 Mo. SOL 2/17/2022	EO SOL 5/4/2022	
Date/Time CV Reported Mon, 08/17/2020 11:28 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 08/17/2020 11:28 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Richard Elliott	1665	941009	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Richard Elliott	Abuse: Sergeant Richard Elliott did not process § 87(2)(b) s complaint regarding an officer.	

Case Summary

On August 17, 2020, § 87(2)(b) filed this complaint with the Civilian Complaint Review Board via the call processing system.

On August 17, 2020, at approximately 10:30 p.m., inside the 75th Precinct stationhouse, SGT Richard Elliot from the 75th Precinct did not process § 87(2)(b)'s complaint against officers (**Allegation A: Abuse of Authority**, § 87(2)(g)).

The CCRB received stationhouse footage from the NYPD (Board Review 01-04), which was summarized (Board Review 05).

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Richard Elliott did not process § 87(2)(b)'s complaint regarding an officer.

It is undisputed that on August 17, 2020, at approximately 10:30 p.m. § 87(2)(b) entered the 75th Precinct stationhouse with the intent to file a complaint about an unidentified officer who called her an idiot. § 87(2)(b) spoke to SGT Elliot, who directed her to the phone number available on a CCRB poster in the stationhouse.

§ 87(2)(b) in her CCRB statement (Board Review 06), stated that SGT Elliot walked into the desk area behind a glass. § 87(2)(b) tapped on the glass in order to get SGT Elliot's attention. SGT Elliot approached the glass and spoke to § 87(2)(b) who explained that she wanted to file a complaint regarding a near vehicle accident with an officer who had failed to signal, and when confronted about the near-accident, was rude and called her an idiot. SGT Elliot stated she should call the CCRB and pointed at a poster with the CCRB's phone number. SGT Elliot informed § 87(2)(b) that this was the most he could do for her and said she should call the number, as she would then be able to make a complaint. SGT Elliot then walked away from the glass. He did not offer to provide any assistance in filing a complaint or filling out a form. § 87(2)(b) photographed the CCRB poster with the CCRB phone number so that she could call the CCRB. She had no further interactions with officers and left the stationhouse.

SGT Elliot, in his statement to the CCRB (Board Review 07), stated that § 87(2)(b) spoke to him and stated that she wished to file a complaint regarding police officers who had been rude to her. According to SGT Elliot, when a civilian wants to file a complaint, an officer is obligated to interview them for basic facts. Afterwards, the civilian may file their complaint through phone, mailing a CCRB complaint form to the CCRB, or an officer takes the complaint in person. SGT Elliot did not remember the details of his interaction with § 87(2)(b) and did not recall offering to assist her in filling out paperwork. He did not recall § 87(2)(b) requesting that he process the complaint in person. He did not recall offering her the three ways to file the complaint of which he was aware. He did not recall if he explained the full process to her. SGT Elliot referred § 87(2)(b) to the CCRB by directing her to a CCRB poster in the lobby and permitted her take a photo. § 87(2)(b) did not explicitly say she was satisfied after she took the photo of the CCRB poster, but she did not protest or become irritable. Additionally, SGT Elliot believed that § 87(2)(b) mentioned that she had children and that she had to get back to them.

In stationhouse footage without audio obtained by the investigation (Board Review 01), at 31 minutes and 28 seconds, SGT Elliot opens the internal door near the bottom left hand side of the frame. § 87(2)(b) speaks while facing SGT Elliot. At 32 minutes and seven seconds, SGT Elliot

points towards the vestibule. Then, at 32 minutes and 14 seconds, SGT Elliot walks over to the vestibule as § 87(2)(b) follows him and points at a notice board. He continues to speak to § 87(2)(b) in the vestibule and to gesture to the board until approximately 34 minutes and four seconds into the video when he walks back to the internal door at the bottom right of the screen and walks through it. While he does so, § 87(2)(b) walks out of the building.

Patrol Guide Procedure 207-31: Processing Civilian Complaints (Board Review 08) states that the member-of-service receiving a complaint must “report all misconduct complaints [...] to the Civilian Complaint Review Board,” and “process [in person] complaints as follows,” by interviewing the complainant, providing them the Civilian Complaint Report documentation they must prepare, assist in its completion or assign another person to assist in its completion, and sign the form. If a complainant does not want to immediately file a complaint in person, a member-of-service must provide the complainant with a civilian complaint report, advise the complainant that the complaint may be delivered in person, over the phone, or sent by mail, and make a command log entry including the name and physical description of the complainant.

§ 87(2)(g)

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 09).
- SGT Elliot has been a member of service for 14 years and has been a subject in five CCRB complaints and seven allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of January 5, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (Board Review 10).
- § 87(2)(b), § 87(2)(c)
- § 87(2)(b)

Squad No.: 12

Investigator:	<u>Shadman Khan</u> Signature	<u>Investigator Shadman Khan</u> Print Title & Name	<u>January 29, 2021</u> Date
Squad Leader:	<u>Carlmais Johnson</u> Signature	<u>IM Carlmais Johnson</u> Print Title & Name	<u>February 1, 2021</u> Date
Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date